

REMARKS

Reconsideration of this application based on the following remarks is respectfully requested.

Allowable Subject Matter: Claims 3, 6 and 9

The Examiner has objected to claims 3, 6 and 9 as being dependent upon a rejected base claim but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Before addressing the rejections over the prior art, the applicant calls to the Examiner's attention that claims 1, 4 and 7 are analogous to each other. Similarly, claims 2, 5 and 8 are also analogous to each other.

35 U.S.C. 102(e) Rejections: Claims 1, 4 and 7

The Examiner has rejected claims 1, 4 and 7 allegedly as being anticipated by Blanchard (US 6,408,191 B1 - filed March 16, 1999 - issued June 18, 2002).

The Examiner asserts that Blanchard discloses all of the limitations of claims 1, 4, and 7 in particular that FIG. 4, numbers 401-404, which are screen displays, as disclosing the limitation of -- wherein data retrieved in a predetermined sequence is displayed together with the total number of cases of the retrieved data and the predetermined sequence.--

Although it was not cited by the Examiner, the applicant respectfully calls to the Examiner's attention that column 2, lines 19-23, discloses the following:

“In accordance with a second aspect of the invention, each message in a series of messages may be viewed by selecting

a “messages menu” choice in a displayed menu. Once this messages menu choice is selected by the Select Key, the message header in the displayed menu provides an enumeration for the particular message being displayed as well as a total number of messages in the series of messages...”

The applicant also calls to the Examiner’s attention that column 8, lines 34-36, discloses the following:

“The flow chart in FIG. 4 shows how a received message is accessed in the telephone terminal while the terminal is in the idle or standby state...”

The applicant maintains that since a received message, as disclosed by Blanchard, is not in a predetermined sequence, Blanchard et al do not disclose, teach or suggest data retrieved in a predetermined sequence, as recited by claims 1, 4 and 7.

Consequently, claims 1, 4 and 7 patentably distinguish over the prior art. Therefore, the applicant respectfully requests the Examiner to withdraw the rejections of claims 1, 4 and 7.

35 U.S.C. 103(a) Rejections: Claims 2, 5 and 8.

The Examiner has rejected claims 2, 5 and 8 under 35 U.S.C. 103(a) allegedly as being unpatentable over Blanchard et al and further in view of Cushman et al (US 6,125,287 - filed September 5, 1997 - issued September 26, 2000).

The Examiner concedes that Blanchard fails to disclose the limitation of claims 2, 5 and 8 of rearranging in a sequence of greater numbers of times of utilization and displaying in the sequence of greater number of times of utilization together with the total number of cases of the retrieved data and the rearranged sequence.

The Examiner asserts that however, Cushman et al, disclose in various locations such as FIG. 2a-2k, etc., the limitations of claims 2, 5 and 8.

The applicant calls to the Examiner's attention that the Examiner refers to FIG. 2a as allegedly disclosing the limitation of the sequence of greater number of times of utilization.

In response, the applicant maintains that FIG. 2a discloses only "1. Freq'ly Called #s" (i.e. Frequently Called Numbers). It can be seen from column 5, lines 11-24, that it is the user who must enter manually a new name in the Frequently Called Numbers directory, as follows:

"A new record name and phone number may be added to a directory by selecting ADD (pressing the left arrow key) while viewing any page in the main directory (see FIGS. 2h-2j). When ADD is depressed, the screen of FIG. 2m appears. The user enters the name information in the usual way (sequential key, e.g., depress the 5 key three times for an "L".) For lower case letters, the OPTions key is used to activate the second line of the task bar, and then the left arrow key is used. The "*" key is used to enter a space. CLEAR (up arrow key) is used to correct errors. As previously mentioned,

symbols are also available, and the screens of FIGS. 2o and 2p are used for this purpose. At FIG. 2o, depressing the 8 key will enter a colon in the "name" field of the screen shown in FIG. 2m."

The applicant maintains that the manual entry of Cushman et al does not achieve the result of rearranging in a sequence of greater numbers of times of utilization, as recited by claims 2, 5 and 8.

As a result, Cushman does not disclose teach or suggest the limitations of claims 2, 5 and 8. Consequently, claims 2, 5 and 8 patentably distinguish over the prior art. Therefore, the applicant respectfully requests the Examiner to withdraw the rejections of claims 2, 5 and 8 over the prior art.

Reconsideration of this application based on the foregoing remarks is respectfully requested. The foregoing remarks establish the patentable nature of all of the rejected claims in the application, i.e., claims 1-2, 4-5, and 7-8. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,



Anthony N. Fresco
Registration No. 45,784

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
516-742-4343/4366 FAX

ANF:yd